

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Damien Edward Mitchell**

**Docket No. 4:11-CR-1-1H**

**Petition for Action on Supervised Release**

COMES NOW Jonathan A. Holmes, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Damien Edward Mitchell, who, upon an earlier plea of guilty to 21 U.S.C. §841(a)(1), Distribution of 28 Grams or More of Cocaine Base (Crack), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on April 9, 2012, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Damien Edward Mitchell was released from custody on August 28, 2018, at which time the term of supervised release commenced.

On January 3, 2019, a violation report was submitted because the defendant tested positive for cocaine. He was allowed to engage in substance abuse treatment and placed in the surprise urinalysis program.

On June 27, 2019, the court was notified the defendant tested positive for cocaine again. He was allowed to re-engage in substance abuse treatment and his drug testing frequency was increased.

On August 21, 2019, a violation report was submitted because the defendant tested positive for oxycodone. He continued to engage in substance abuse treatment and his drug testing frequency was increased.

On August 27, 2020, the court modified the defendant's conditions of release, ordering him to complete 20 hours of community service. This modification was requested as a sanction for the defendant testing positive for cocaine. He also continued to engage in substance abuse treatment and was enrolled in the surprise urinalysis program.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On October 1, 2020, the defendant submitted a drug test which returned positive for cocaine on October 8, 2020. The defendant is still engaged in substance abuse treatment. It is recommended the defendant be enrolled in a cognitive behavioral program to address criminal thinking patterns and help avoid future risky behavior. It is also recommended the defendant be placed on a 90-day term of location monitoring as a sanction for his continued drug use. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.
2. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Maurice J. Foy  
Maurice J. Foy  
Supervising U.S. Probation Officer

/s/ Jonathan A. Holmes  
Jonathan A. Holmes  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 9196104087  
Executed On: October 16, 2020

**ORDER OF THE COURT**

Considered and ordered this 19th day of October, 2020, and ordered filed and  
made a part of the records in the above case.

  
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Malcolm J. Howard  
Senior U.S. District Judge